



STATE OF DELAWARE
DEPARTMENT OF SAFETY AND HOMELAND SECURITY
DIVISION OF STATE POLICE
P.O. Box 430
DOVER, DELAWARE 19903

September 13, 2019

Mr. Jonathan Rudenberg
MuckRock News
DEPT MR 62883
411A Highland Ave
Somerville, MA 02144-2516


RE: 62883-86149083

Dear Mr. Rudenberg:

By letter you made a request under the Delaware Freedom of Information Act (FOIA) for: "Data on all cases of: unsolved missing persons, homicides, suspicious deaths, and deaths in custody involving an Alaska Native/American Indian woman or girl victim within your jurisdiction(s). For the purposes of this request, "Alaska Native/American Indian" is defined as any individual who was identified as a member of an Alaska Native or American Indian community or as having Alaska Native/American Indian heritage. "Woman or girl" includes all victims identified as females, as well as transgender women. If there are any Jane Does that have been identified as potentially Alaska Native or American Indian, please include them as well. We are requesting cases dating from 1900 to the present. This request is for basic information on cases as classified above. Such information may include but is not limited to victim name, location and date of disappearance/death, age of victim, status of case (solved or unsolved)."

The Division of the Delaware State Police (DSP) has reviewed your request and determined that DSP records do not exist dating back to the 1900s. To the extent that recent records exist, your request is exempt as any reports are exempt as they are part of an investigatory file compiled for civil or criminal law enforcement purposes, 29 Del. C. § 10002(1)(3). Additionally, DSP does not possess any records responsive to your request as FOIA law does not require an agency to create a record that does not exist. See Del. Op. Att'y Gen. 18-IB51 (Nov. 20, 2018); Del. Op. Att'y Gen. 15-IB17 (June 17, 2015). The Delaware Department of Justice has further stated that FOIA does not require a public body to compile the requested data from other public records that may exist, convert data into a new format, create programming, or conduct a database search using requested search criteria. See Del. Op. Att'y Gen. 18-IB51; Del. Op. Att'y Gen. 17-IB02, 2017 WL 955566 (Feb. 8, 2017); Del. Op. Att'y Gen. 04-IB14, 2004 WL 1547683, at *2 (Jun. 8, 2004). DSP further objects on the basis that the request appears to originate from out of the State, public bodies are only required to comply with FOIA when the requesting party is a citizen of the State of Delaware. See *McBurney v. Young*, 569 U.S. 221 (2013); see also *Del. Op. of the Attn'y Gen. 16-IB20* (Sept. 30, 2016), unless a valid Delaware address for the requester is provided. The Division of the Delaware State Police considers your FOIA request closed.

Sincerely,


Colonel Nathaniel McQueen, Jr.
Superintendent